

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

GEORGE NOEL,)	Cause No. CV 04-207-M-DWM
)	
Petitioner,)	
)	
vs.)	ORDER
)	
MIKE MAHONEY,)	
)	
Respondent.)	
_____)	

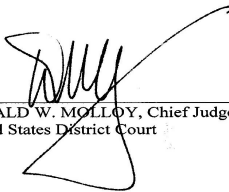
United States Magistrate Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 14, 2006. George Noel did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch concluded that Noel's Petition (dkt #1) should be Dismissed for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #4) and I adopt them in full. Plaintiff's Petition for Writ of Habeas Corpus (dkt #1) is DISMISSED for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

DATED this 23rd day of August, 2006.



DONALD W. MOLLOY, Chief Judge
United States District Court